

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

In re: )  
 )  
MARTIN W. SMITH, ) Case No. 03-31378  
 )  
Debtor, )  
 )  
GILBERT WARD and LINDA WARD, )  
 )  
Plaintiffs, ) Adv. No. 04-3007  
v. )  
 )  
MARTIN W. SMITH, )  
 )  
Defendant. )

**ORDER**

This matter comes before the court on the motion for summary judgment filed by Plaintiffs Gilbert Ward and Linda Ward against Debtor and Defendant Martin W. Smith (“Debtor”). The Plaintiffs’ complaint initiating this adversary proceeding seeks a determination that the \$3,486,079.44 debt arising from a judgment (“Judgment”) entered by the District Court of the Western District of Missouri<sup>1</sup> in favor of the Plaintiffs and against the Debtor is excepted from discharge pursuant to 11 U.S.C. § 523(a)(2), (4), (6), and (19). The Plaintiffs’ motion seeks judgment as a matter of law on the their § 523(a)(19) claim. The Debtor did not respond to the motion for summary judgment.

In order to prevail under § 523(a)(19), a plaintiff must establish the existence of a judgment for a violation of federal or state securities laws. 11 U.S.C. § 523(a)(19). The Judgment entered against the Debtor found that he had violated both federal and state securities laws. Therefore, the debt owed by the Debtor to the Plaintiffs arising from the Judgment is nondischargeable pursuant to § 523(a)(19).

Accordingly, it is

**ORDERED** that the Plaintiffs’ motion for summary judgment is GRANTED. It is

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<sup>1</sup> Case No. 01-5055-CV-SW-3.

**FURTHER ORDERED** that the \$3,486,079.44 debt owed by the Debtor to Gilbert Ward and Linda Ward is hereby determined to be excepted from discharge pursuant to 11 U.S.C. § 523(a)(19).

**SO ORDERED** this 18<sup>th</sup> day of April, 2005.

/s/ Jerry W. Venters  
HONORABLE JERRY W. VENTERS  
UNITED STATES BANKRUPTCY JUDGE

A copy of the foregoing was mailed  
conventionally or electronically to:

Joseph D. Sheppard  
Spencer P. Desai